

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THE ESTATE OF ANTONIO DEVON
MAY, by and through his
Administrator, APRIL M. MYRICK, et
al.,

Plaintiffs,

v.

NAPHCARE, INC., et al.,


Defendants.

CIVIL ACTION FILE
NO. 1:19-CV-2440-TWT

ORDER

This is a wrongful death action. It is before the Court on the Plaintiffs' Motion to Remand to State Court [Doc. 260] and the Defendant Naphcare's Motion to Dismiss [Doc. 261]. This action was originally filed here in federal court. Therefore, remand is not an appropriate remedy for lack of subject matter jurisdiction over the remaining medical malpractice claim. Considering the factors underlying supplemental jurisdiction—judicial economy, convenience, fairness, and comity—the appropriate remedy is dismissal without prejudice. The Defendant's Motion to Dismiss [Doc. 261] is GRANTED. This action is DISMISSED without prejudice.

SO ORDERED, this 20th day of December, 2023.


THOMAS W. THRASH, JR.
United States District Judge